

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SIDNEY ALLAN KIGER,)
Petitioner,)
v.) 1:13CV401
FRANK PERRY,)
Respondent.)

ORDER

On August 26, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. (Docs. 15, 16.) Petitioner filed objections (Doc. 21) to the Recommendation within the time limit prescribed by Section 636. The court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 15), which is affirmed and adopted.

IT IS THEREFORE ORDERED that Respondent's Motion for Summary Judgment (Doc. 5) is GRANTED, the Petition (Doc. 2) is DENIED, and this action is DISMISSED, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This, the 10th day of February, 2015.

/s/ Loretta C. Biggs
United States District Judge